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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,817	12/14/2001	Imad Assaf	38961-20	1669

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EXAMINER

ROSENBERG, LAURA B

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/014,817	ASSAF ET AL.
	Examiner Laura B Rosenberg	Art Unit 3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 September 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 3-70 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 25-28,30-39,41-43,45-50 and 52-57 is/are allowed.

6) Claim(s) 1,3,4,8,9,11-14,18,19,21-24,29,40,44,51,58-63,68 and 69 is/are rejected.

7) Claim(s) 5-7,10,15-17,20,64-67 and 70 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 03 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. This office action is in response to the amendment filed on September 3, 2003, in which claims 1 and 3-20 were amended, claim 2 was canceled, and claims 21-70 were added.

#### ***Drawings***

2. The corrected drawings were received on September 3, 2003. These drawings are acceptable.

#### ***Specification***

3. The abstract of the disclosure is objected to because the phrase "...a leaf spring connectable on a cargo carrier between the seat and, for example, wheels..." is unclear. Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 29, 40, 44, 51, 63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 29, 40, 44, 51, and 63 recite the limitation "the axle" in line 2 (claims 29, 40, 44, 63) and line 3 (claim 51). There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, 4, 8, 9, 11-14, 18, 19, 58-63, 68, and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Gannett (1,951,477). In regards to claims 1, 11, and 12, Gannett discloses a child carrier suspension for installation on a child carrier (#10; child carrier is a wheelbarrow) having a seat (not shown; seat formed by cargo holder of wheelbarrow), a frame (#11) for supporting the seat, and a transport means (wheel #12) on which the frame rides. The child carrier suspension comprises a leaf spring (#15) connectable to the frame to act between the seat and the transport means (best seen in figure 1) and a clamping device (#16, 18-26; best seen in figures 3-5) for engagement on the leaf spring and adjustable to select the degree of flexibility of the leaf spring (adjustment occurs with #16a, 22).

In regards to claims 3 and 13, Gannett discloses the leaf spring including at least one spring leaf (#15; best seen in figures 1, 3, 5).

In regards to claims 4, 14, and 62, Gannett discloses the transport means including at least one wheel (#12; figures 1, 2; column 1, lines 35-36).

In regards to claims 8, 9, 18, 19, 68, and 69 Gannett discloses the clamping device including a bolt or a pin (#22, 23) for engagement on the leaf spring.

In regards to claim 58, Gannett discloses a cargo carrier suspension for installation on a cargo carrier (#10; cargo carrier is a wheelbarrow) having a cargo support (not shown; cargo support is cargo holder of wheelbarrow) including a frame (#11) and a transport means (wheel #12) on which the cargo support rides. The cargo carrier suspension comprises a leaf spring (#15) including a fixed end (portion shown in figure 3) connected to the frame of the cargo carrier to extend out adjacent the frame (best seen in figure 3), the leaf spring being connected to act between the cargo carrier and the transport means (best seen in figure 1) being free to flex in a first direction away from the frame, but limited in flex in a direction opposite the first direction by abutment against the frame (best seen in figure 1), and a clamping device (#16, 18-26; best seen in figures 3-5) for engagement on the leaf spring and adjustable to permit selection of the degree of flexibility of the leaf spring (adjustment occurs with #16a, 22).

In regards to claims 59 and 60, Gannett discloses a bumper (#18) positioned between the leaf spring (#15) and the frame (#11) and sized to urge the spring into a preload condition (best seen in figure 3).

In regards to claim 61, Gannett discloses the cargo support being a seat (seat formed by cargo holder of wheelbarrow).

In regards to claim 63, Gannett discloses the leaf spring (#15) including an opposite end (near the wheel) including a journal (#14) for an axle (#13) of the at least one wheel.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gannett (1,951,477) in view of Beaudoin et al. (6,155,581). In regards to claims 21-24, Gannett discloses the child carrier being a wheelbarrow, but does not disclose the child carrier being a stroller or a bicycle trailer. Beaudoin et al. teach a suspension system (#50) used on a child carrier, specifically a bicycle trailer, stroller, or other child carriage (column 3, lines 47-52). It would have been obvious to one skilled in the art at the time that the invention was made to modify the child carrier of Gannett such that it included a stroller or bicycle trailer as claimed in view of the teachings of Beaudoin et al. so as to provide real comfort for the passenger and to greatly reduce vibrations during motion of the child carrier (Beaudoin et al.: column 2, lines 52-55).

***Allowable Subject Matter***

10. Claims 25-28, 30-39, 41-43, 45-50, and 52-57 are allowed.

11. Claims 5-7, 10, 15-17, 20, 64-67, and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 29, 40, 44, and 51 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### **Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eyman et al. and Smith disclose suspension systems for strollers.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*Laura B. Rosenberg*  
LBR

*Paul* "16103  
PAUL N. DICKSON  
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